

March 2006

Update: Domestic Violence Benchbook (3rd ed)

CHAPTER 3

Common “Domestic Violence Crimes”

3.14 Other Crimes Commonly Associated with Domestic Violence

A. Offenses Against Persons

11. Torture

Effective March 1, 2006, 2005 PA 335 added a new crime, torture, to the Michigan Penal Code. Insert the new sub-subsection as indicated above immediately before subsection (B) on page 108:

MCL 750.85 makes it a felony punishable by imprisonment for life or any term of years for a person to inflict great bodily injury or severe mental pain or suffering upon another person within his or her custody or physical control, with the intent to cause cruel or extreme physical or mental pain and suffering.

CHAPTER 9

Statutory Firearms Restrictions in Domestic Violence Cases

9.5 Restrictions Arising from Conviction of a Felony

B. Michigan Restrictions on the Purchase or Possession of Firearms by Convicted Felons

Insert the following text after the August 2005 update to page 404:

In *Tuggle v Michigan Dep't of State Police*, ___ Mich App ___, ___ (2006), the Court of Appeals held that attempted breaking and entering of an unoccupied dwelling, MCL 750.110, constitutes a “specified felony” for the purposes of MCL 750.224f. The Court stated:

“On balance, we decline to negate the ‘physical force against the person *or property* of another’ portion of the definition of specified felony. [MCL 750.224f(6)(i)].”
Tuggle, supra at ___.